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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,495	06/25/2003	Thomas E. Creamer	BOC9-2002-0070 (367)	3535
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER NEWAY, SAMUEL G	
			ART UNIT 2626	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/603,495	Applicant(s) CREAMER ET AL.	
	Examiner Samuel G. Neway	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is responsive to the RCE filed on 30 July 2008.
2. Claims 1 – 3 and 5 – 10 are pending and considered below.

Response to Arguments

3. Applicant's arguments filed 30 July 2008 have been fully considered but they are not persuasive.

Applicant argues that Jong does not disclose converting the text message to a shorter text message or further compressing the shorter text message prior to transmission. The Examiner notes that Jong was not used to teach these limitations. Kredo is used for teaching converting a text message to a shorter text message and Marko is the reference that discloses compressing a text message before transmission. See rejection of claim 1 below.

Applicant seems also to be arguing that the combination of prior art used in rejecting the claims does not disclose converting a text message to a voice output based not on the original text message but on another shorter text message. However, Jong discloses translating an original text message into another text message (“translates the text data into text data of the selected language ...”, col. 9, lines 6-11, FIG. 9 and related text) before converting the translated text into voice (“the text data can be displayed immediately or may be forwarded to the text to speech conversion device... where the text data is converted ... enabling real time speech communication using text data transmission”, col. 5, lines 25-33) and Kredo teaches converting a text

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message to a shorter text message. It would have been obvious to one with ordinary skill in the art at the time of the invention to include Kredo's short hand representations in Jong's translation dictionary because using acronyms and abbreviations is standard practice for instant messaging systems (Kredo, col. 7, lines 6-8).

Applicant further argues that Marko does not concern the same problem as the present invention and that it is drawn to different field of endeavor. The Examiner respectfully disagrees. Both Marko and the current Application compress text for the same reason, namely to reduce bandwidth requirements ("Real-time compression algorithms, which compress the text prior to transmission and decompress the text at the receiver prior to text-to-speech conversion would further reduce the required channel bit rate", Marko, [0021]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 - 3, 5 - 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jong (USPN 6,173,250) in view of Kredo et al (USPN 6,816,578) and in further view of Marko et al. (USPGPub 2004/0049389).

Claim 1:

Jong discloses a method of reducing bandwidth requirements in an on-line chat system (col. 1, line 65 to col. 2, line 5), comprising the steps of:

receiving a speech input at a calling party ("receiving audio input signals from the user", col. 3, lines 13-20);

transcribing the speech input to a text message in a same language ("converting them into textual representations", col. 3, lines 13-20);

converting the text message to an alternative text message based upon at least one of a calling party profile and a called party profile ("translates the text data into text data of the selected language ...", col. 9, lines 6-11, FIG. 9 and related text. Note that the specific selected language is a called party's profile) wherein at least one of said profiles specifies replacing at least a portion of said text message with an alternative text portion having a same meaning as said replaced portion of said text message (the translation has the same meaning as the text data).

However, Jong does not explicitly disclose converting the text message to an alternative text in the same language wherein the alternative text message has a shorter length than the replaced text message.

In a similar instant messaging system, Kredo discloses converting a text message into an "appropriate short hand representation" (col. 8 lines 18-25).

It would have been obvious to one with ordinary skill in the art at the time of the invention to include Kredo's short hand representations in Jong's translation dictionary because using acronyms and abbreviations is standard practice for instant messaging systems (Kredo, col. 7, lines 6-8).

Furthermore, Jong and Kredo do not explicitly disclose compressing the translated text message prior to transmission.

Marko discloses a similar method of transmitting text messages where the text messages are compressed prior to transmission (“compress the text prior to transmission ...”, [0021]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to compress text messages prior to transmission in order to “reduce the required channel bit rate” (Marko, [0021]).

Jong further discloses transmitting the text stream to a called party (“textual representations are the sent to the subscriber terminal”, col. 3, lines 13-20);

receiving the alternative text message by the called party as the text stream (“communication is achieved by the sending of continuous streams of text data”, col. 3, lines 20-24);

and displaying the alternative text message and/or converting the alternative text message into speech output at the called party substantially in real-time (“the text data can be displayed immediately or may be forwarded to the text to speech conversion device... where the text data is converted ... enabling real time speech communication using text data transmission”, col. 5, lines 25-33).

Claim 2:

Jong, Kredo and Marko disclose the method of claim 1, Jong further discloses, wherein the method further comprises the step of sending a voice signature of the calling party to the called party (“a speech pattern of the party actually sending the text

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data may be stored ... in order to obtain a synthesized speech output”, col. 6, lines 28-31).

Claim 3:

Jong, Kredo and Marko disclose the method of claim 1, Jong further discloses, wherein the method further comprises the step of maintaining a voice signature repository of the calling party for access by a called party of a voice signature of the calling party when receiving a call from the calling party (“a speech pattern of the party actually sending the text data may be stored in the speech pattern database ... in order to obtain a synthesized speech output”, col. 6, lines 28-31).

Claim 5:

Jong, Kredo and Marko disclose the method of claim 2, Jong further discloses, wherein the alternative text message is converted at the called party to the speech output by using text-to-speech conversion in conjunction with the voice signature of the calling party (“the text to speech converter 407 converts the text data into speech output signals using synthesized speech pattern”, col. 6, lines 13-16, “a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output”, col. 6, lines 28-31).

Claim 6:

Jong, Kredo and Marko disclose the method of claim 1, Jong further discloses, wherein the method further comprises the step of translating the alternative text message to another language to provide a translated alternative text message (“the language translator 900 performs language translation”, col. 9, lines 14-19).

Claim 7:

Jong, Kredo and Marko disclose the method of claim 6, Jong further discloses, wherein the step of transmitting comprises the step of transmitting the translated alternative text message (“the speech recognition device 203 outputs text data in a selected language”, col. 8, lines 61-64).

Claim 9:

Jong, Kredo and Marko disclose the method of claim 6, Jong further discloses, wherein the step of converting translated alternative the text message is converted at the called party to the speech output by using text-to-speech synthesis in conjunction with the voice signature of the calling party (“the text to speech converter 407 converts the text data into speech output signals using synthesized speech pattern”, col. 6, lines 13-16, “a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output”, col. 6, lines 28-31).

Claim 10:

Jong, Kredo and Marko disclose the method of claim 6, Jong further discloses, wherein the method further comprises:

adding the translated alternative text message to the data stream (“textual representations are the sent to the subscriber terminal”, col. 3, lines 13-20);

displaying the translated alternative text message in the called party’s location substantially in real time (“the text data can be displayed”, col. 5, lines 24-30).

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6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jong (USPN 6,173,250) in view of Kredo et al (USPN 6,816,578) in further view of Marko et al. (USPGPub 2004/0049389) and in further view of Flanagan et al. (USPN 6,339,754).

Claim 8:

Jong, Kredo and Marko disclose and make obvious the method of claim 6, however, none of Jong, Kredo or Marko explicitly disclose, wherein the step of translating the alternative text message occurs in a server on a network coupled between the calling party and the called party.

Flanagan discloses a speech translation system similar to Jong's where "translation services are provided by one or more dedicated servers ..." (col. 6, lines 46-50).

It would have been obvious to one with ordinary skill in the art at the time of the invention to use translation servers as suggested by Flanagan, for the translation step in Jong's method in order to avoid every device used in Jong's system having to be equipped with a translation system and use a common translation system on a network as is well known in the computing arts.

Conclusion

7. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE**

FINAL even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

/S. G. N./
Examiner, Art Unit 2626